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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/873,933

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Robert M. Lund

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28863

7590

01/11/2006

SHUMAKER & SIEFFERT, P. A.

8425 SEASONS PARKWAY

SUITE 105

ST. PAUL, MN 55125

EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/873,933	Applicant(s) LUND ET AL.	
	Examiner Barry W. Taylor	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,37,39-41,43,44 and 47-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,37,39-41,43,44 and 47-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1- 2, 37, 39-41, 44, 47-52 and 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view of Dolin, Jr. et al (5,420,572 hereinafter Dolin).

Regarding claims 1, 49 and 56. Mulcahy teaches a subscriber unit and method for correlating a subscriber unit to a physical port in a point-to-point or to a point-to-multipoint wire line network (title, abstract) comprising:

prompting an installer to manually input a location code associated with the subscriber unit (col. 7 lines 64-67);

receiving the location code in the subscriber unit (col. 7 lines 64-67);

transmitting the location code via the network to a central repository (col. 7 lines 29-32); and

storing the location code in the central repository to associate the location code with the physical port (col. 8 lines 7-9).

According to Applicants newly amended claim language, Mulcahy fails to teach transmitting the location code and a subscriber unit identifier to a central repository (see Amendment and remarks, paper dated 11/01/05).

Dolin teaches configuration device for use in a networked communication system wherein the device allows communication of information identifying the node and the node type to the device so network can be easily configured (title, abstract, col. 3 line 63 – col. 4 line 5, col. 5 line 55 – col. 6 line 4). Dolin uses a unique identifier for installation and maintenance of a network (col. 9 line 18 – col. 11 line 53). Dolin allows installer to enter location codes so that the location and node identification and node type maybe used for configuration of the network (col. 11 line 54 – col. 12 line 63) thereby allowing for nodes to be quickly identified and configured (col. 13 lines 5-9).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Dolin into the teachings of Mulcahy in order to quickly identify nodes that may be malfunctioning or have not been configured (Dolin col. 13 lines 5-9).

Regarding claim 2. Mulcahy teaches checking the location code for errors before storing (col. 8 lines 11-13);

Upon finding an error, transmitting an instruction to the subscriber unit to indicate error to the installer (col. 8 lines 14-22); and upon finding no errors, storing the location code (col. 7 lines 29-32).

Regarding claim 37. Dolin teaches the location code permits identification of network service parameters associated with the subscriber unit (title, abstract, col. 3 line 63 – col. 4 line 5, col. 5 line 55 – col. 6 line 4, col. 9 lines 42-52, col. 11 line 22 – col. 12 line 63, col. 13 lines 5-9).

Regarding claims 39, 50 and 57. Mulcahy teaches receiving the location code in the subscriber unit (col. 7 lines 64-67).

Regarding claims 40, 51 and 58. Mulcahy teaches prompting an installer to manually input a location code associated with the subscriber unit (col. 7 lines 64-67).

Regarding claims 41, 52 and 59. Mulcahy teaches test set used by craftsperson (see 18 figure 4).

Regarding claims 44 and 55. Dolin teaches error detection and notification (col. 6 lines 1-4, col. 12 lines 59-63).

Regarding claim 47. Dolin teaches the unique identifier is assigned via manufacture (column 9).

Regarding claim 48. Dolin teaches correlating subscriber unit with location code (col. 11 line 24 – col. 12 line 63).

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2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view of Dolin, Jr. et al (5,420,572 hereinafter Dolin) further in view of Kennedy et al (6,163,594 hereinafter Kennedy).

Regarding claim 3. Mulcahy in view of Dolin fail to show prompting the installer to reinput the location code. However, Mulcahy discloses that if an error is detected, the operator can instruct a field engineer (i.e. installer) to perform appropriate operations to correct the error (col. 8 lines 19-22).

Kennedy allows the craftsperson to re-input the location code (col. 2 lines 51-60, col. 3 lines 33-66, col. 7 lines 39-41, col. 10 lines 1-3, lines 29-31, see "reentering the correct directory number" in column 11).

It would have been obvious to any one of ordinary skill in the art at the time of invention to utilize the teachings of Kennedy into the teachings of Mulcahy in view of Dolin in order to allow engineer the opportunity to perform appropriate operations to correct the error.

3. Claims 43, 53-54 and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view of Dolin, Jr. et al (5,420,572 hereinafter Dolin) further in view of Steinbrenner et al (6,754,310 hereinafter Steinbrenner).

Regarding claims 43, 53-54 and 60-61. Mulcahy in view of Dolin fail to use the term video.

Steinbrenner teaches a telephony interface device for providing status and diagnostic information to a craftsperson wherein the telephony interface device generates and provides voice prompts to aid the craftsperson in understanding or diagnosing the system thereby providing for an interactive telephony test device (col. 10 lines 33-63). Steinbrenner further teaches (col. 10 line 45) error messages relating to configuration options (i.e. service provisioning). Steinbrenner teaches a telephony interface device for providing status and diagnostic information relating to "alternative media" (col. 1 line 62) including video, voice and high-speed data (col. 2 lines 1-2).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Steinbrenner into the teachings of Mulcahy in view of Dolin in order to provide an interactive test set that can accept user input and provide error code voice messages to the craftsperson (see col. 9 lines 8-22 wherein voice prompt played to indicated failure during registration (i.e. not previously correlated)).

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 37, 39-44, 47-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number **(571-273-8300)**.


BARRY TAYLOR
PRIMARY EXAMINER